**ORDINANCE NO. 20-1393**

**CITY OF WOODBURN, INDIANA**

**AN ORDINANCE AMENDING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE CITY OF WOODBURN FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID CITY AND OTHER MATTERS CONNECTED THEREWITH**

WHEREAS, the City of Woodburn (the “City”) is duly constituted to provide and maintain a sewage work system inside and outside the City (“Sewage Works”) and has heretofore constructed and has in operation such Sewage Works for the purpose of collecting and disposing of the sewage of the City in a sanitary manner; and

WHEREAS, the City is in the process of completing various improvements to its Sewage Works, including undertaking improvements to its collection system and providing for an extension of service of the Sewage Works (the “Project”); and

WHEREAS, in financing the Project, the City has undertaken certain debt obligations and cost overruns which such obligations and cost overruns necessitate an increase in the rates and charges paid by customers of the Sewage Works; and

WHEREAS, Baker Tilly Municipal Advisors, LLC has prepared a report of the existing schedule of rates and charges heretofore fixed by ordinances of the City which has revealed that the fees charged by the City for the services rendered by its said Sewage Works are insufficient to complete the Project and maintain the Sewage Works in the sound physical and financial condition necessary to render adequate and efficient service; and

WHEREAS, the City has determined that it is necessary to amend the current schedule of rates and charges so as to produce sufficient revenue to pay all expenses incidental to the operation of the Sewage Works and in order to complete the Project, to provide adequate money for working capital, to provide adequate money for replacements and improvements to and of the Sewage Works, to provide any sinking fund for and to pay the principal, interest, and other charges on new and outstanding revenue bonds; and

WHEREAS, the City now desires to amend the rates and charges established by Ordinance No. 505-76, as amended by Ordinance No. G-94-1070, as amended by Ordinance No. G-07-1173, as amended by Ordinance No. G-10-1192, as amended by Ordinance No. G-14-1317, as amended by Ordinance No. G-17-1352, as amended by Ordinance No. G-17-1357, to maintain the Sewage Works in a sound physical and financial condition necessary to render adequate and efficient service; and

WHEREAS, this Ordinance establishing rates and charges has been introduced; notice of the public hearing has been duly given by publication and by mail to: (i) users of the Sewage Works located outside the City’s corporate boundaries; and (ii) owners of vacant or unimproved property if there is a fee for sewer availability to said properties; and a public hearing was held at which users of the Sewage Works, owners of property served or to be served by the Sewage Works, and other interested persons were heard concerning the proposed rates and charges; and

WHEREAS, the Common Council has determined that this increase would be handled better by the community if it were implemented and phased-in over the course of three (3) years;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA, THAT:

* 1. Section 3(a) of Ordinance No. 505-76, as amended by Ordinance No. G-94-1070, as amended by Ordinance No. G-07-1173, as amended by Ordinance No. G-10-1192, as amended by Ordinance No. G-14-1317, as amended by Ordinance No. G-17-1352, as amended by Ordinance No. G-17-1357, is hereby amended to read as follows: The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, except as herein otherwise provided. Water meters will be read periodically, and sewage service bills shall be rendered once each month (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined, shall be as follows,

For each full monthly billing cycle that begins after **December 1st, 2020**, unless superseded as below:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | | |  |  | Total Monthly Rate |
|  | Quantity of Water Used Per Month | | | | | Per 1,000 Billed Gallons |
|  |  | First | 2,000 Gallons | | | $21.68 |
|  |  | Next | 6,000 Gallons | | | 19.26 |
|  |  | Next | 12,000 Gallons | | | 16.42 |
|  |  | Over | 20,000 Gallons | | | 13.47 |

For each full monthly billing cycle that begins after **December 1st, 2021**, unless superseded as below:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | | |  |  | Total Monthly Rate |
|  | Quantity of Water Used Per Month | | | | | Per 1,000 Billed Gallons |
|  |  | First | 2,000 Gallons | | | $22.84 |
|  |  | Next | 6,000 Gallons | | | 20.30 |
|  |  | Next | 12,000 Gallons | | | 17.30 |
|  |  | Over | 20,000 Gallons | | | 14.20 |

For each full monthly billing cycle that begins after **December 1st, 2022**, unless superseded as below:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | | |  |  | Total Monthly Rate |
|  | Quantity of Water Used Per Month | | | | | Per 1,000 Billed Gallons |
|  |  | First | 2,000 Gallons | | | $24.01 |
|  |  | Next | 6,000 Gallons | | | 21.33 |
|  |  | Next | 12,000 Gallons | | | 18.19 |
|  |  | Over | 20,000 Gallons | | | 14.92 |

1. Section 3(b) of Ordinance No. 505-76, as amended by Ordinance No. G-94-1070, as amended by Ordinance No. G-07-1173, as amended by Ordinance No. G-10-1192, as amended by G-14-1317, as amended by G-17-1352, as amended by Ordinance No. G-17-1357, is hereby amended to read as follows:
   1. The minimum charge for any service where the user is a metered customer, shall be based on the size of the meter serving such customer, and shall be as follows,

For each full monthly billing cycle that begins after **December 1st, 2020**, unless superseded as below:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Water Meter Size | | Monthly  Minimum Charge |
|  | 5/8” – 3/4” | Meter | $ 43.37 |
|  | 1” | Meter | 57.92 |
|  | 1-1/4” | Meter | 115.63 |
|  | 1-1/2” | Meter | 192.95 |
|  | 2” | Meter | 433.71 |
|  | 3” | Meter | 771.15 |
|  | 4” | Meter | 1,156.64 |
|  | 6” | Meter | 1,927.61 |

\*For customers of the Sewage Works that are unmetered, the monthly charge shall be based on 6,000 gallons per month as follows: Residential: Non Metered charge per month $120.42

For each full monthly billing cycle that begins after **December 1st, 2021**, unless superseded as below:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Water Meter Size | | Monthly  Minimum Charge |
|  | 5/8” – 3/4” | Meter | $ 45.69 |
|  | 1” | Meter | 61.02 |
|  | 1-1/4” | Meter | 121.82 |
|  | 1-1/2” | Meter | 203.29 |
|  | 2” | Meter | 456.94 |
|  | 3” | Meter | 812.47 |
|  | 4” | Meter | 1,218.60 |
|  | 6” | Meter | 2,030.88 |

\*For customers of the Sewage Works that are unmetered, the monthly charge shall be based on 6,000 gallons per month as follows: Residential: Non Metered charge per month $126.88

For each full monthly billing cycle that begins after **December 1st, 2022**, unless superseded as below:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Water Meter Size | | Monthly  Minimum Charge |
|  | 5/8” – 3/4” | Meter | $ 48.01 |
|  | 1” | Meter | 64.12 |
|  | 1-1/4” | Meter | 128.02 |
|  | 1-1/2” | Meter | 213.63 |
|  | 2” | Meter | 480.18 |
|  | 3” | Meter | 853.78 |
|  | 4” | Meter | 1,280.56 |
|  | 6” | Meter | 2,134.14 |

\*For customers of the Sewage Works that are unmetered, the monthly charge shall be based on 6,000 gallons per month as follows: Residential: Non Metered charge per month $133.34

1. A customer’s monthly sewage bill shall be deemed due on the date that such bill is postmarked.
2. The fees for the services rendered by the said Sewage Works are hereby found to be non-discriminatory, reasonable just, equitable, and required to maintain the said Sewage Works in the sound physical and financial condition necessary to render adequate and efficient services.
3. All fees provided for herein shall be for services rendered by said Sewage Works and shall remain in full force and effect until properly changed in accordance with the laws of the State of Indiana.
4. All parts of Ordinance No. 505-76, as amended by Ordinance No. G-94-1070, as amended by Ordinance No. G-07-1173, as amended by Ordinance No. G-10-1192, as amended by Ordinance No. G-14-1317, as amended by Ordinance No. G-17-1352, as amended by Ordinance No. G-17-1357 that are in conflict herewith are repealed to the extent of said conflict. Such other provisions which are not in conflict are ratified and confirmed.
5. No part of this Ordinance shall be interpreted to conflict with federal, state, or other local laws not specifically amended hereby, and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or any portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.
6. A copy of the schedule of rates and charges adopted herein shall be kept on file and available for public inspection in the office of the Clerk-Treasurer of the City.
7. The express or implied repeal or amendment by this Ordinance of any other Ordinance or part of any other Ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended Ordinance as if this Ordinance had not been adopted.
8. This Ordinance shall be in full force and effect from and after its passage and adoption, and approval by the Mayor. The said rates and charges shall be applied with the first full billing cycle thereafter.

Adopted this 7th day of December, 2020.

**COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

Daniel Watts, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

Mike Voirol, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

Dean Gerig, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

Tonya Thompson, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

Michael Martin, Councilman

ATTEST:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Timothy Cummins, Clerk-Treasurer

The foregoing ordinance passed by the Council is signed and approved ( ) / not approved ( ) by me on the same date.

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Joseph Kelsey, Mayor for the City of Woodburn